

## REMARKS

Claims 1-3, 5-9, and 11-23 are pending. Claims 1-3, 5-9, and 11-23 stand rejected. Claim 5 is cancelled herein. Claims 4 and 10 were previously cancelled. Claims 1, 7, 12, 22, and 23 are amended herein.

Claims 1-3, 6-9, 11, and 18-22 stand rejected under 35 USC § 103(a) as obvious over U.S. Patent 5,682,386 (Arimilli et al.), in view of U.S. Patent 6,269,095 (Neubauer et al.), and further in view of U.S. Patent 5,214,692 (Chack et al.).

Claims 1 and 7 require one or more bypassing elements positioned between the plurality of telephonic devices and the statistical multiplexor and operative to connect the plurality of telephonic devices either to the at least one call processing element or to the communications network. Claims 1 and 7 further require control circuitry and customer premises equipment interface circuitry. Advantageously, the bypass elements can be implemented to eliminate the prior drawback of a multiplexor system operating from a household electrical supply and therefore becoming totally inoperative in the event of a power outage or other failure of the wall unit (see page 8, lines 19-23 of the application).

The multiplexor device in Arimilli is a specialized modem, and cannot communicate with any other device in the PSTN or with the Internet. Instead, the multiplexor device of Arimilli (site A) only communicates with another such device, *i.e.*, with site B (see FIGS. 4A and 4B; col. 4, lines 35-39 and lines 59-62; and col. 6, lines 5-9). Arimilli therefore requires two or more specialized modems in order for communication to be established.

Neubauer discloses a simple gateway that merely converts data in order to interface between a PSTN and the Internet. Neubauer does not receive both voice and data calls over a single line, does not route calls from a wall unit, and does not route calls to either the Internet or the PSTN. All communications in Neubauer are protocol converted and are passed through the gateway. Neither Arimilli nor Neubauer disclose or suggest bypass devices.

Chack discloses a call center for handling a plurality of incoming customer calls. The call center includes an automatic call distributor (ACD) connected to a plurality of telephone sets (see FIG. 2). The call center receives incoming calls through a main distribution frame that interfaces to a T1 digital telephone line. In normal operation, the ACD receives incoming calls from the main distribution frame and routes the call to a selected telephone set of the plurality of telephone sets (see col. 5, lines 18-21 and lines 40-43). The connection from the T1 telephone line to a particular

telephone set is not fixed, and is routed by the ACD. The main distribution frame of Chack is an interface device for the T1 telephone line and includes a bypass unit that connects to the ACD via a plurality of connections and further connects to the plurality of telephone sets via a second plurality of connections. When the call center loses electrical power or encounters a system failure, the bypass of the main distribution frame connects the T1 telephone line directly to the plurality of telephone sets. The call center is correspondingly cut out of the connection. Therefore, Chack discloses a telephone system bypass, independent of the call center, that connects directly to the telephone sets instead of to the call center when the call center loses power.

Chack does not disclose one or more bypass elements positioned between a plurality of telephonic devices and a statistical multiplexor, does not disclose a residence system, and does not disclose bypass elements within a residence system. Furthermore, Chack does not include control circuitry and customer premises equipment interface circuitry.

The combination of Arimilli, Neubauer, and Chack is improper. There is no motivation to combine. The Court of Appeals for the Federal Circuit has held that: "It is insufficient that the prior art disclosed the components of the patented device, either separately or used in other combinations; there must be some teaching, suggestion, or incentive to make the combination made by the inventor." Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 15 USPQ2d 1321 (Fed. Cir. 1990), *cert. denied*, 498 U.S. 920 (1990).

The Office Action includes claim 18 along with the rejection of claims 1 and 7. The Office Action asserts that claim 18 is a computer program product that performs the steps of claim 1-3. This is incorrect. Claim 18 does not correspond to operation of the wall unit 110, and instead corresponds to operation of the gateway server 180 of claim 21 (see also FIG. 3). Claim 18 recites receiving a voice call setup request from a remote wall unit. The gateway server completes a communication for a residence-sited wall unit 110 and operates in conjunction with the wall unit 110 to multiplex data over a single telephone line. The gateway server receives a voice call setup request from a remote wall unit, initiates a telephone call setup, connects a call, converts a VOIP encoded signal to a voice signal, and converts a voice signal to a VOIP encoded signal. Neither Arimilli, Neubauer, nor Chack disclose PSTN gateway servers that work in conjunction with wall units to multiplex and communicate telephone, fax, and data communications.

Independent claims 1, 7, 18, and 20 therefore include features that are neither taught nor suggested by Arimilli, Neubauer, or Chack. Claims 2-3, 6, 8-9, 11, 19, and 21-22 are allowable for the same reasons as claims 1, 7, 18, and 20.

Claims 12-17 and 23 stand rejected under 35 USC § 103(a) as obvious over Arimilli and Neubauer in view of U.S. Patent 5,506,844 (Rao).

Claim 12 requires one or more bypassing elements positioned between the plurality of telephonic devices and the statistical multiplexor and operative to connect the plurality of telephonic devices either to the at least one call processing element or to the communications network. In addition, claim 12 requires a control coupled to at least one call processor. Neither Arimilli, Neubauer, nor Rao disclose or suggest bypass devices. In addition, Rao does not disclose a system controller, as in the present invention. Rao discloses a video compressor/multiplexor that includes a system controller. However, the system controller in Rao merely controls the transmission rate of compressed video data fed out of the multiplexor and onto a communication channel (see col. 1, lines 8-14; col. 2, lines 27-34; and col. 6, lines 14-26). Rao does not teach a call processor or controlling a call processor. Furthermore, Rao does not teach a control that exchanges signaling information with a gateway switch.

Independent claim 23 discusses a gateway server adapted to communicate with a wall unit in order to provide multiline phone and data service over a single telephone line. Claim 23 requires a call processing element adapted to convert voice-over-Internet-Protocol (VOIP) encoded signals received from the wall unit via an available modem into analog telephone signals to be transmitted over a PSTN and convert analog telephone signals received from the PSTN network into VOIP encoded signals for transmission to the wall unit. Claim 23 further requires a modem pool, a statistical multiplexor, a router, and a control. None of Arimilli, Neubauer, or Rao teach or suggest a gateway server including a modem pool, a call processing element, a router, and a control.

Independent claims 12 and 23 therefore include features that are neither taught nor suggested by Arimilli, Neubauer, and Rao. Claims 13-17 are allowable for the same reasons as claim 12.

Applicant further submits that there are numerous additional reasons in support of patentability, but that such reasons are moot in light of the above remarks and are omitted in the interests of brevity. Applicant respectfully requests allowance of claims 1-3, 6-9, and 11-23.

Please feel free to call me to discuss rejection or allowance of claims 1-3, 6-9, and 11-23.

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